

**IN THE DRAWINGS:**

In Fig. 1A, delete the numeral 52 and its associated designating line.

REMARKS:

Before entry of this Amendment, claims 1-32 were pending in the application. After entry of this Amendment claims 1-18 and 20-32 remain pending under examination. The number of total claims has not been increased, and the number of independent claims has not been increased beyond the number for which payment previously had been made.

Applicant has carefully considered the Examiner's Action of April 17, 2006, and the references cited therein. The following is a brief summary of the Action. The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4). Claim 13 was objected to under 37 CFR 1.75(c) as being of improper dependent form. Claim 4 was objected to due to a typographical error. Claim 2 was rejected based on 35 U.S.C. 112, second paragraph, as having insufficient antecedent basis for the limitation in the claim. Claims 1-5, 7, 8, 11-13, 16-19 and 32 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,799,695 (hereafter Borrero). Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of U.S. Patent No. 5,704,471 (hereafter Yamada). Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of U.S. Patent No. 6,349,849 (hereafter Pehr). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Pehr and further in view of U.S. Patent No. 6,604,651 (hereafter Amundson et al). Claims 14, 15, 20, 21, 23, 24 and 27-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of U.S. Patent No. 3,343,716 (hereafter Peebles). Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Peebles and further in view of Yamada. Claim 25 was rejected under 35 U.S.C.

103(a) as being unpatentable over Borrero in view of Peebles and further in view of Pehr. Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Peebles and Pehr and further in view of Amundson et al. Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over Peebles in view of Borrero.

Applicants have amended Fig. 1A of the drawings to delete number 52 and its accompanying designating line. Submitted herewith is a replacement sheet 1/3 marked "Replacement Sheet" as required by 37 CFR 1.121(d).

Applicants also have amended the specification at page 6 to conform the specification to originally filed Fig. 2 with its illustration of a mechanically pivoting hinge 38 connecting the lid 28 and the body 14 and to the description of the original specification at page 6, lines 4 – 17 describing how Fig. 2 shows that the lid 28 may open away from the body 14. Applicants respectfully submit that no new matter has been added by this sentence in page 6.

Accordingly, Applicants respectfully submit that the objections for failing to comply with 37 CFR 1.84(p)(4) have been overcome, and withdrawal of the objections to the drawings is respectfully requested.

Applicants have amended each of claims 2, 4 and 13 to eliminate the informalities noted therein by the Examiner. Accordingly, Applicants submit that the claims are properly formatted and request withdrawal of the objections and rejection under the second paragraph of section 112.

For the reasons explained below, applicants respectfully traverse the rejection of claims 1-5, 7, 8, 11-13, 16-19 and 32 under 35 U.S.C. 102(e) as being anticipated by

Borrero.

Lines 1 - 2 of paragraph 6 on page 4 of the Office Action state:

Regarding claim 1, Borrero discloses a portable carrying case for personal care absorbent articles,

However, the foregoing statement is an inaccurate description of what is disclosed in Borrero and ignores the express disclosure of Borrero. As the following passages from Borrero make clear, the Borrero dispensing device is not intended or configured to be carried and held in one hand of the user while the user's other hand removes an article from the device. To the contrary, the Borrero dispensing device is intended and configured to be carried on a wall or on a flat surface such as a table or a shelf. Column 1, lines 19 - 21 of Borrero states (emphasis added):

It is further desirable to provide a sanitary napkin dispensing device that may be selectively **mounted to a wall or surface of choice**.

Column 1, lines 29 - 31 of Borrero states (emphasis added):

Another object of the present invention is to provide a sanitary napkin dispensing device that may be selectively **mounted to a convenient location** of

Column 1, lines 58 - 60 of Borrero states (emphasis added):

The main housing element is further **furnished with wall mounting brackets** located at the top most ends of the sides of the sanitary napkin dispensing device.

Column 2, lines 33 - 35 of Borrero states (emphasis added):

An individual having a sanitary napkin dispensing device selectively **attached to a wall or other convenient location** may access and remove a sanitary napkin for use.

Column 3, lines 29 - 31 of Borrero states (emphasis added):

Also shown is the sanitary napkin dispensing device selectively **mounted waist high on one of the walls** that comprise the private vicinity.

Column 4, lines 56 - 58 of Borrero states (emphasis added):

The device 10 is shown in FIG. 1. As shown in FIGS. 1-9, the device 10 encloses sanitary napkins 12, supports a disposal bag 14, and can be **mounted on a wall 16**.

Column 5, line 60 – column 6, line 5 of Borrero states (emphasis added):

As shown in FIG. 1, it is often desirable to **mount the device 10 on a wall 16**. Mounting brackets 54 are provided for this purpose, and are attached to the housing left side 24 and right side 26. In other embodiments (not shown), other attachment means are provided such as housing rear side 30 slots, housing rear side screw holes, and the like, all in accordance with the present invention, and as determined by the intended end use for the overall device, as will occur to those of skill in the art upon review of the present disclosure.

Column 6, lines 6 - 9 of Borrero states (emphasis added):

In another embodiment, such as shown in FIG. 10, the hooks 54 are not present, or do not extend below the housing bottom side 28, **allowing the bottom side to serve as a base for a freestanding utilization of the device 10**.

In contrast to the device 10 of Borrero, the case described in each of independent claims 1 and 20 is a “portable carrying case.” In contrast to the device 10 of Borrero, the carrying case described in each of independent claims 1 and 20 has a body that defines an internal enclosure and that is configured with an exterior surface that is ergonomically shaped to generally conform to being carried and held in one hand of the user while the user’s other hand removes an article from the internal enclosure. The Borrero device 10 is neither portable nor is it configured to be carried and held in one hand of the user while the user’s other hand removes an article from the internal

enclosure of the device. Instead of being configured to be carried and held in one hand of the user, the Borrero device 10 is configured to be carried by a wall or by a shelf or table.

Lines 1 – 5 of the last bullet point of paragraph 6 on page 4 of the Office Action state that Borrero discloses:

A manual push structure (32 and 42) defined in said body generally opposite from said opening (48), said push structure (32 and 42) configured to allow a user to push on the bottommost one of said stacked absorbent articles (12) so as to move the uppermost one of said stack of absorbent articles (12) towards said opening (48) for grasping retrieval by the user.

However, the foregoing statement inaccurately describes what is disclosed in Borrero and ignores the express disclosure of Borrero. As plainly shown in Borrero Figs. 3 and 6 - 10, the Borrero push structure (32 and 42) is not manual at all. It is a lid 32 and a spring 42 that does not require any manual effort on the part of the user. Moreover, the Borrero push structure (32 and 42) does not allow the user to push on the bottommost one of said stacked absorbent articles (12) so as to move the uppermost one of said stack of absorbent articles (12) towards said opening (48). The compression plate 44 touches the topmost article 12 and spring 42 pushes the compression plate 44 toward the bottommost article 12, which rests against the housing bottom side 28.

As to claims 3 and 4, Borrero fails to disclose any push structure in Borrero's back wall 30.

As to claim 8, Borrero fails to disclose an access opening having a restricted size so as to prevent removal of said bottommost article through said access opening.

When the Borrero lid 32 is opened, that opening is where the articles are loaded into the housing and thus that opening fails to prevent removal of the bottommost article through the access opening.

Applicants therefore respectfully submit that claims 1-5, 7, 8, 11-13, 16-19 and 32, as presented herein, are patentable under 35 U.S.C. § 102(e) over Borrero.

For the reasons explained below, applicants respectfully traverse the rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Yamada.

Yamada fails to correct the deficiencies noted above in Borrero. Accordingly, claim 6 is patentable under 35 U.S.C. 103(a) over Borrero in view of Yamada for at least this first reason.

Moreover, Borrero and Yamada fail to provide any motivation to substitute Yamada's slidable lid for Borrero's pivoting lid 46. The only motivation is Applicants' disclosure.

Applicants therefore respectfully submit that claim 6, as presented herein, is patentable under 35 U.S.C. § 103(a) over Borrero in view of Yamada.

For the reasons explained below, applicants respectfully traverse the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Pehr.

Pehr fails to correct the deficiencies noted above in Borrero. Accordingly, claim 9 is patentable under 35 U.S.C. 103(a) over Borrero in view of Pehr for at least this reason. Applicants therefore respectfully submit that claim 9, as presented herein, is patentable under 35 U.S.C. § 103(a) over Borrero in view of Pehr.

For the reasons explained below, applicants respectfully traverse the rejection of claim 10 under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Pehr

and further in view of Amundson et al.

Amundson et al discloses a reclosable plastic bag and fails to correct the deficiencies noted above in Borrero. Accordingly, claim 10 is patentable under 35 U.S.C. 103(a) over Borrero in view of Pehr and further in view of Amundson et al for at least this first reason.

Moreover, Borrero, Pehr and Amundson et al fail to provide any motivation to substitute Amundson et al's translucent elastic material for Pehr's elastic material. The offered motivation of providing an indication of the quantity of wipes remaining in the package is superfluous in view of the explanation provided on page 6, lines 4 - 6 of the Office Action. There the Office Action already contends that Borrero's viewing window (32 and 34) allows the user to ascertain the contents of the body 10 without opening the lid. Thus, the only motivation to substitute Amundson et al's translucent elastic material for Pehr's elastic material is Applicants' disclosure.

Applicants therefore respectfully submit that claim 10, as presented herein, is patentable under 35 U.S.C. § 103(a) over Borrero in view of Pehr and further in view of Amundson et al.

For the reasons explained below, applicants respectfully traverse the rejection of claims 14, 15, 20, 21, 23, 24 and 27-30 under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Peebles.

Peebles fails to correct the deficiencies noted above in Borrero. Accordingly, claims 14, 15, 20, 21, 23, 24 and 27-30 are patentable under 35 U.S.C. 103(a) over Borrero in view of Peebles for at least this reason.

As to claim 15, Borrero's detent 36 and 40 fails to constitute a biasing structure



configured with the body to bias the stacked absorbent articles 12 generally away from the opening 48 and towards the push structure 32 and 42.

As to claim 20, the Peebles top cover 21 fails to constitute a biasing structure configured with the body and disposed to bias the stack of absorbent articles 12 towards Borrero's back wall 30.

Applicants therefore respectfully submit that claims 14, 15, 20, 21, 23, 24 and 27-30, as presented herein, are patentable under 35 U.S.C. § 103(a) over Borrero in view of Peebles.

For the reasons explained below, applicants respectfully traverse the rejection of claim 22 under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Peebles and further in view of Yamada.

As noted above, neither Peebles nor Yamada corrects the deficiencies noted above in Borrero. Moreover, Peebles fails to overcome the deficiencies in the Borrero/Yamada combination noted above, and Yamada fails to overcome the deficiencies noted above in the Borrero/Peebles combination. Accordingly, claim 22 is patentable under 35 U.S.C. 103(a) over Borrero in view of Peebles and further in view of Yamada for these reasons. Applicants therefore respectfully submit that claim 22, as presented herein, is patentable under 35 U.S.C. § 103(a) over Borrero in view of Peebles and further in view of Yamada.

For the reasons explained below, applicants respectfully traverse the rejection of claim 25 under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Peebles and further in view of Pehr.

As noted above, neither Peebles nor Pehr corrects the deficiencies noted above

in Borrero. Moreover, Peebles fails to overcome the deficiencies in the Borrero/Pehr combination noted above, and Pehr fails to overcome the deficiencies in the Borrero/Peebles combination noted above. Accordingly, claim 25 is patentable under 35 U.S.C. 103(a) over Borrero in view of Peebles and further in view of Pehr for at least this first reason.

Applicants therefore respectfully submit that claim 25, as presented herein, is patentable under 35 U.S.C. § 103(a) over Borrero in view of Peebles and further in view of Pehr.

For the reasons explained below, applicants respectfully traverse the rejection of claim 26 under 35 U.S.C. 103(a) as being unpatentable over Borrero in view of Peebles and Pehr and further in view of Amundson et al.

As noted above, neither Peebles nor Pehr nor Amundson et al corrects the deficiencies noted above in Borrero. Moreover, neither Peebles nor Amundson et al overcomes the deficiencies in the Borrero/Pehr combination noted above. Neither Amundson et al nor Pehr overcomes the deficiencies in the Borrero/Peebles combination noted above. Neither Peebles nor Pehr overcomes the deficiencies in the Borrero/Amundson et al combination noted above. Accordingly, claim 26 is patentable under 35 U.S.C. 103(a) over Borrero in view of Peebles and Pehr and further in view of Amundson et al for these reasons. Applicants therefore respectfully submit that claim 26, as presented herein, is patentable under 35 U.S.C. § 103(a) over Borrero in view of Peebles and Pehr and further in view of Amundson et al.

For the reasons explained below, applicants respectfully traverse the rejection of claim 31 under 35 U.S.C. 103(a) as being unpatentable over Peebles in view of

Borrero.

Claim 31 depends on claim 20, and Peebles fails to correct the deficiencies noted above in Borrero as regards the rejection of claim 20. Accordingly, claim 31 is patentable under 35 U.S.C. 103(a) over Peebles in view of Borrero for this reason. Applicants therefore respectfully submit that claim 31, as presented herein, is patentable under 35 U.S.C. § 103(a) over Peebles in view of Borrero.


Applicants respectfully request reconsideration and reexamination of claims 1 - 32, as presented herein, and submit that these claims are in condition for allowance and should be passed to issue.

If any fee or extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account No. 04-1403 for any such fee not submitted herewith.

Respectfully submitted,

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